

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SYLIVA BEAVERS,

Plaintiff,

v.

Case No. 23-12360

Honorable Nancy G. Edmunds

MERCANTILE ADJUSTMENT
BUREAU, LLC,

Defendant.

**ORDER DIRECTING PLAINTIFF TO FILE A COMPLETED APPLICATION
TO PROCEED WITHOUT PREPAYING FEES OR COSTS**

Plaintiff Sylvia Beavers brings this pro se lawsuit against Defendant Mercantile Adjustment Bureau, LLC, alleging violations of the Fair Debt Collection Practices Act. (ECF No. 1.) Before the Court is Plaintiff's corrected application to proceed in district court without prepaying fees or costs. (ECF No. 5.)

Under 28 U.S.C. § 1915(a)(1), a court may authorize the commencement of a civil action without the prepayment of fees or costs ("in forma pauperis" or "IFP") if the applicant submits an affidavit demonstrating that he or she is "unable to pay such fees or give security therefor." The Supreme Court has held that one need not "be absolutely destitute to enjoy the benefit of" proceeding IFP. *Adkins v. E.I. DuPont de Nemours & Co., Inc.*, 335 U.S. 331, 339 (1948). However, proceeding IFP "is a privilege, not a right, and permission to so proceed is committed to the sound discretion of the court." *Camp v. Oliver*, 798 F.2d 434, 437 (11th Cir. 1986) (citations omitted). The relevant "question is whether the court costs can be paid without undue hardship." *Foster v. Cuyahoga Dep't*

of Health & Human Servs., 21 F. App'x 239, 240 (6th Cir. 2001). "In determining IFP eligibility, courts will generally look to whether the persons are employed, the person's annual salary, and any other property or assets the person may possess." *Giles v. Comm'r of Soc. Sec.*, No. 14-11553, 2014 U.S. Dist. LEXIS 74028, at *2 (E.D. Mich. Apr. 24, 2014) (internal quotations and citation omitted).

Here, Plaintiff has submitted the required form (AO 240), but it is incomplete. More specifically, Plaintiff states that her gross pay is \$1,666.39 and her take-home pay is \$1,1198.00, but she does not indicate the pay period. Thus, the Court is unable to determine whether Plaintiff is able to pay the filing fee without undue hardship.

Accordingly, IT IS HEREBY ORDERED that Plaintiff shall, within ten (10) days of the date of this Order, file a completed application to proceed without prepaying fees or costs, which also indicates her pay period. Failure to submit the application in a timely fashion or the resubmission of an incomplete application will result in the denial of Plaintiff's request to proceed IFP and Plaintiff will be directed to pay the filing fee of \$402.00.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: October 11, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 11, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager